

NOTICES OF RULEMAKING DOCKET OPENINGS

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening whenever an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 2, Department of Environmental Quality - Air Pollution Control
Article and its heading: 1, General
3, Permits and Permit Revisions
11, Federal Hazardous Air Pollutants
Section numbers: R18-2-101, R18-2-302, R18-2-306, R18-2-320, R18-2-331, R18-2-1101
2. **The subject matter of the proposed rule:**
The Arizona Department of Environmental Quality is proposing changes in permitting rules related to deficiencies in the state's Title V program, implementation of EPA's 112(g) rule, the permitting threshold for fuel-burning equipment, and a significant emission rate for landfill gas.
3. **A citation to all published notices relating to the proceeding:**
None.
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Mark Lewandowski or Martha Seaman
Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012
Telephone: (602) 207-2222
Fax: (602) 207-2251
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Announced in the Notice of Proposed Rulemaking in this Register.
6. **A timetable for agency decisions or other action on the proceeding:**
Announced in the Notice of Proposed Rulemaking in this Register.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. **Title and its heading:** 18, Environmental Quality
Chapter and its heading: 2, Department of Environmental Quality - Air Pollution Control
Article and its heading: 10, Motor Vehicles; Inspection and Maintenance
Section numbers: Not yet determined
2. **The subject matter of the proposed rule:**
The Arizona Department of Environmental Quality will be proposing a rule to implement the statutory requirement for a new, snap-acceleration diesel emissions test for certain diesel-powered vehicles in Maricopa County. A public workshop is being planned for early January 1998.
3. **A citation to all published notices relating to the proceeding:**
None.
4. **The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Michelle Ringsmuth
Address: Department of Environmental Quality
3003 North Central Avenue
Phoenix, Arizona 85012
Telephone: (602) 207-2372

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Fax: (602) 207-2366

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:
To be announced in the Notice of Proposed Rulemaking.
6. A timetable for agency decisions or other action on the proceeding:
To be announced in the Notice of Proposed Rulemaking.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY

1. Title and its heading: 18, Environmental Quality
Chapter and its heading: 12, Department of Environmental Quality - Underground Storage Tanks
Article and its heading: Article 1, Definitions
Article 2, Technical Requirements
Article 6, Underground Storage Tank Assurance Fund
Article 7, Underground Storage Tank Grant Program

<u>Section numbers:</u>	<u>Subject matter:</u>	<u>Action:</u>
R18-12-101	Definitions	Amend
R18-12-250 through R18-12-259	LUST Release Reporting	New Sections
R18-12-260 through R18-12-269	LUST Corrective Actions	New Sections
R18-12-280	LUST Sampling Requirements	Amend
R18-12-605	SAF Reasonableness of Costs	Amend
R18-12-605.01	SAF Soil Cleanup Standards	Amend
R18-12-607.01	SAF Pre-Approval	Amend
R18-12-608	SAF Reduction in Reimbursement	Repeal
R18-12-610	SAF Administrative Appeals	Amend
R18-12-705	Grant Application Process	Amend
R18-12-706	Grant Application Contents	Amend
R18-12-707	Grant Application Work Plan	Amend
R18-12-712	Grant Priority Ranking (Govts.)	Amend
R18-12-714	Grant Issuance, Forfeiture	Amend

(Section numbers may be added, deleted, or modified during this rulemaking to address the subject matter in question 2 below. The Department will file separate notices of proposed rulemaking for each of the Articles involved, that is, Articles 2, 6 and 7. Article 1 relating to definitions may be addressed in the notice of proposed rulemaking for Article 2).

2. The subject matter of the proposed rules:

The Department is considering changes to 18 A.A.C. 12, Article 2, relating to Technical Requirements, consisting of adoption of release reporting and corrective action rules to implement the requirements of A.R.S. §§ 49-1004 and 49-1005; and amendment of the LUST sampling rules to correct a citation error.

The Department is considering changes to 18 A.A.C. 12, Article 6, relating to the State Assurance Fund (SAF), consisting of amendment of the financial reasonableness rules to require task-based cost documentation pursuant to A.R.S. § 49-1054(C); amendment of the rules relating to SAF-funded soil cleanups to make them consistent with the recently adopted final soil remediation standards; amendment of the SAF rules relating to UST closures to make them consistent with a recent Opinion of the Attorney General; repeal of the rules relating to reduction in reimbursement consistent with the statutory repeal of A.R.S. § 49-1053; and amendment of the rules relating to administrative appeals of SAF payment determinations to make them consistent with A.R.S. §§ 41-1092 through 41-1092.11.

The Department is considering changes to 18 A.A.C. 12, Article 7, relating to the UST Grant Program, consisting of clarification that grant applications can be submitted to the Department before or after commencement or completion of the work; that proof of a work bond, contractor's insurance policy, mechanic's lien, and contract may be submitted before or after commencement or completion of the work; that failure to provide such proofs will result in forfeiture of the grant issue; that proof of 3 bids is not necessary for an SAF-augmentation (co-pay) grant application; that a work timetable is not necessary for work that is already completed; that the effective date on the contract bond must extend for 2 years beyond the date of equipment demobilization at the site; that the proof of insurance policy need not include coverage for pollution liability if the application is for an SAF-augmentation grant; and that 25 priority ranking points shall be allocated to a local government whose fund balance is negative.

The Department will file separate notices of proposed rulemaking for each of the Articles involved, that is, Articles 2, 6 and 7. Article 1 relating to definitions may be addressed in the notice of proposed rulemaking for Article 2.

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3. **A citation to all published notices relating to the proceeding:**
Notice of Rulemaking Docket Opening: 3 A.A.R. 979, April 4, 1997.
4. **The name and address of agency personnel with whom persons may communicate regarding the rules:**
Name: George Tsiolis or Martha Seaman
Address: Department of Environmental Quality
3033 North Central Avenue
Phoenix, Arizona 85012
Telephone: (602) 207-2257
Fax: (602) 207-2251
5. **The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Department may issue 1 or more notices of public meeting to discuss the rule changes under consideration prior to filing the notices of proposed rulemaking. Following publication of the notices of proposed rulemaking, the Department will accept written comments during the public comment periods and oral comments at 1 or more proceedings to be scheduled within the statutorily mandated time-frame. Any notices of public meeting and proposed rulemaking will be published in the *Arizona Administrative Register*.
6. **A timetable for agency decisions or other action on the proceeding, if known:**
It is anticipated 1 or more notices of public meeting to discuss the rule changes under consideration will be filed with the Office of the Secretary of State for publication in the *Arizona Administrative Register* by December of 1997.